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Held at the Palais des Nations, Geneva,
on Wednesday, 9 April 1997, at 10 a.m.

Chairman: Mr. SOMOL (Czech Republic)

CONTENTS

STATEMENT BY THE SECRETARY-GENERAL

STATEMENT BY MRS. CAROL BELLAMY, EXECUTIVE DIRECTOR OF THE UNITED NATIONS CHILDREN'S FUND

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) Question of human rights in Cyprus (continued)

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GE.97-11949 (E)

The meeting was called to order at 10.15 a.m.

STATEMENT BY THE SECRETARY-GENERAL

1. The SECRETARY-GENERAL said that, on the eve of the fiftieth anniversary of the Universal Declaration of Human Rights, the Commission on Human Rights merited a special tribute for the endeavours that it had been making since its establishment. He recalled that its achievements included around 60 instruments for the protection of human rights, particularly the two International Covenants, the conventions against torture and racial discrimination and the conventions for the protection of the rights of women and the child. It had also established special procedures for fact-finding in particular situations, mainly through the reports of the Special Rapporteurs. In addition, it had established technical cooperation programmes for the protection of human rights and had played a leading role in preparations for the Vienna World Conference of 1993, one of the results of which had been the adoption by the General Assembly of the resolution establishing the Office of United Nations High Commissioner for Human Rights.

2. Although the Commission had pushed forward remarkably with the development and practice of human rights, non-governmental organizations had also played an important role in that process, thereby meriting a similar tribute.

3. A review of the achievements since 1945 showed the extent to which the drafters of the Charter had been right to link the question of human rights to that of the maintenance of peace and security. Experience had also shown that respect for human rights was crucial to peace-building and to the task of ensuring development. Gross violations of human rights invariably went hand-in-hand with situations which might threaten peace and security and were likely to degenerate into confrontation. In that type of situation, United Nations work in the field of human rights should be viewed as an inherent part of its work in the field of preventive diplomacy.

4. The United Nations had not been able to act every time that action was needed. In fact, such action required the consent of the State concerned, except in the case of operations undertaken under Chapter VII of the Charter. However, whenever the United Nations had been able to take preventive action it had proved highly beneficial to the countries concerned, as illustrated by the human rights monitoring operations undertaken in Cambodia, El Salvador, Haiti, Rwanda and Bosnia and Herzegovina. If respect for the human rights of minorities and individuals were not secured, the social fabric of countries emerging from a period of conflict could not be rebuilt, peace could not take root and reconstruction and rehabilitation could not proceed.

5. Likewise, sustainable development was possible only if the political, economic and social rights of all were fully respected. The right to development was the yardstick against which respect for all other human rights should be measured.

6. Within the context of the reform measures which he was undertaking, he intended to ensure that the Commission's work was further promoted and supported within the Organization. In order to ensure policy and programme

coherence and coordination and harmonize the decision-making process within the Organization, he had created four Executive Committees in the main areas of Peace and Security, Humanitarian Affairs, Economic and Social Affairs and Development Operations. He had issued instructions to the effect that aspects relating to human rights which, in themselves, constituted a separate sector should be effectively taken into account in the work of those four Committees with the full participation of the Centre for Human Rights and the Office of the High Commissioner for Human Rights, to which he intended to give his full support.

7. In that connection, he paid tribute to Mr. José Ayala-Lasso, who had established that Office and assumed the difficult task of implementing its early policies. The functions of that Office - ensuring coordination of human rights activities within the United Nations system and conducting a dialogue on human rights issues with Member States - deserved strong and ongoing support.

8. He also intended to pursue the efforts that were being made to improve the functioning of the secretariat of the Centre for Human Rights in such a way as to enhance the services that it was rendering to the Commission. In particular, there was a need for increased transparency and the establishment of a culture of sharing. He was also determined, wherever possible, to transfer to substantive programmes any savings resulting from the reform of the Centre's administration.

9. He was totally committed to the strengthening and development of the United Nations human rights machinery. However, the ultimate success of those efforts obviously depended on the Member States, who would have to honour the commitments that they had made when they ratified the various human rights instruments and adopted the Vienna Declaration and Programme of Action.

10. In conclusion, he assured the Commission of his support and cooperation for the successful achievement of the aims that it had set for itself and emphasized that collective endeavours today were the only way to ensure a better future.

STATEMENT BY MRS. CAROL BELLAMY, EXECUTIVE DIRECTOR OF THE UNITED NATIONS CHILDREN'S FUND

11. Mrs. BELLAMY (Executive Director of the United Nations Children's Fund - UNICEF), referring to the influence of the Convention on the Rights of the Child on UNICEF's activities, said that two dominant principles, namely non-discrimination and the best interests of the child invariably demanded her Organization's attention. When a way was found to ensure respect for those principles, the lives of children would change dramatically. The importance of those two principles was highlighted by four major fields that were of particular concern to UNICEF: armed conflicts, discrimination against girls, child labour and the need to reach the most disadvantaged.

12. It would take a lot of imagination to find any aspect of armed conflict that served the best interests of the child. War was harmful to the bodies and minds of children, deprived them of food, health care and education, uprooted them and separated them from their families. Sometimes, it lasted so

long that children reached adulthood without knowing anything but war, as illustrated by the situation in the Great Lakes region, in Afghanistan, in Bosnia and, more recently, in Zaire where young girls had been the victims of acts of rape committed as a military tactic. The violence that child soldiers were forced to commit, sometimes even against their own families, was horrifying. Children must be shielded from the worst consequences of war and there was a need to protect the rights and ensure the psychosocial recovery and reintegration of children affected by armed conflicts on both sides of the gun. Implementation of the recommendations of the expert appointed by the Secretary-General to study the impact of armed conflicts on children (A/51/306), as well as those made in UNICEF's Anti-War Agenda, could put a rapid end to those gross violations of the rights of children and could give children a chance for peace, which should not be missed.

13. The countless injustices perpetrated against girls from childhood illustrated the pressing need to apply the principle of non-discrimination. In many societies, infant girls received less food and medical care and were sometimes killed simply because of their sex. Millions of girls were subjected to early marriage, trafficking, genital mutilation and domestic abuse which, in many countries, were not viewed as contrary to the best interests of the child. The deliberate and systematic practice of rape and sexual violence in time of war should be added to that list. Sixty million girls throughout the world were not only being denied an education but were also being increasingly threatened by exploitation and thwarted in their hopes of becoming productive members of society. Having attached high priority to the need to increase the rate of enrolment of girls in school, UNICEF was currently endeavouring to keep them there. In that connection, she referred to what had been happening since 1995 in Afghanistan, where the Taliban had expelled female students and teachers from the classrooms.

14. The best interests of the child were blatantly disregarded in hazardous child labour. It was estimated that one quarter of all children between 5 and 14 years of age were working, many of them in exploitative and dangerous conditions in which they were sometimes exposed to physical and sexual abuse.

15. In 1990, the international community had set goals for children: reduction in malnutrition and preventable diseases and increased access to water, sanitation and basic education. Although the progress that had been achieved was encouraging, a success rate of 80 per cent was not good enough. The children who had not been reached were often the most disadvantaged, the most vulnerable and the most difficult to reach. The challenge facing the international community was to give them equal opportunities, particularly in the case of children with disabilities, indigenous children and those belonging to minorities, who were often among the most marginalized and the poorest. The principles of non-discrimination and the best interests of the child would not be truly respected until all children had been freed from poverty and exploitation. Hence, children in the developed countries, who worked in sweatshops, were victims of racial discrimination and child prostitution and lacked access to social services, should not be forgotten. In those countries, all the necessary measures should also be taken to ensure that every child enjoyed the right to full and harmonious development.

16. Those were only a few of the problems that UNICEF was tackling. There were many other forms of violations of the rights of the child: child prostitution, torture, deprivation of liberty and unregistered children. UNICEF was currently focusing on the application of the Convention, the universal ratification of which would be the best way to celebrate the fiftieth anniversary of the Universal Declaration of Human Rights.

17. In order to accomplish the tremendous amount of work that remained to be done, there was a need for an all-out mobilization of the collective efforts of Governments, United Nations agencies, NGOs and other actors in civil society, as well as the military and private sectors. Unequivocal support should be given to the adoption of an Optional Protocol on the Involvement of Children in Armed Conflict under which the age of voluntary and compulsory recruitment into armed forces would be raised to 18. Support should also be given to the Ottawa Process, which proposed the adoption, by next December, of an international treaty banning the production, stockpiling and use of anti-personnel landmines. In order to eliminate the most hazardous forms of child labour, multinational and national corporations should be requested to adopt and apply codes of conduct and procurement policies that would be monitored by the international community with a view to ensuring that, in future, no child was ever exploited in harmful labour. There was a need for universal free primary education and equal opportunities in order to ensure full respect for the principle of non-discrimination and prepare children for a responsible life.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS (agenda item 10) (continued) (E/CN.4/1997/5, 6 and Add.1 and 2, 8, 9, 12 and Corr.1 and Add.1 and Corr.1, 48-50, 51 and Add.1, 52-54, 55 and Corr.1, 56-59, 60 and Add.1, 61, 62 and Add.1, 63, 64, 113, 114, 118, 123, 124, 125, 129 and 132; E/CN.4/1997/NGO/3-6, 12, 14-17, 21, 25 and 27; A/51/457, 460, 466, 478, 479, 481, 490, 496, 538 and 542 and Add.2)

18. Mr. BIRO (Special Rapporteur on the situation of human rights in the Sudan), presenting his fourth report (E/CN.4/1997/58), said that it supplemented the interim report that he had submitted to the fifty-first session of the General Assembly (A/51/490). It showed that the situation of human rights in the Sudan had deteriorated significantly in various fields during the last four years. All the internationally recognized human rights were being violated by agents of the Government or by persons working closely with it. Individuals belonging to other parties to the conflict had also committed atrocities against Sudanese citizens and persons working for humanitarian organizations in the southern part of the country. In spite of several requests by the Centre for Human Rights and the General Assembly, the Government had not taken any effective measure against the identifiable perpetrators of those violations.

19. The Sudanese Government had transmitted to the Centre for Human Rights a detailed reply to the conclusions and recommendations contained in the Special Rapporteur's report. In that reply, which would be distributed as a document

of the Commission, the Government affirmed that the situation of human rights in the Sudan was reasonably good in comparison with other countries and required only a little cooperation rather than the "confrontational and sceptical attitude of the Special Rapporteur resulting from his lack of practical experience". He was not in a position to compare the situation of human rights in the Sudan with that in other countries and his experience should be assessed in the light of the seven reports that he had prepared in four years. However, the important point was that the Government had declared its readiness to continue cooperating with the competent United Nations organs and he sincerely hoped that that cooperation would be more effective than in the past.

20. The list of violations and atrocities on which he had gathered a large amount of information and evidence was very long: extrajudicial killings, summary executions, enforced disappearances, torture, non-respect for due process of law, restrictions on freedom of speech, association, assembly and movement, violations of the rights of women and the rights of the child, slavery, etc. There were an increasing number of reports concerning violations of freedom of religion that were committed against the traditional Sudanese Islamic orders, particularly the Ansar, and the Christians. For example, on Easter Monday, the police had allegedly destroyed a chapel at Terea (Khartoum) and would have destroyed two others at Kalakia Qubba and Wad Amara if they had not been prevented by parishioners.

21. With regard to freedom of expression, since January 1997 the Centre for Human Rights had received an increasing number of complaints concerning arbitrary arrests of political opponents or of persons merely suspected of not sharing the Government's views. In its reply, the Sudanese Government emphasized that the arrests mentioned in paragraphs 30 to 32 of the report should be viewed in the context of the foreign armed aggression launched on 12 January 1997 on the country's south-eastern border with a view to disturbing public order in many towns through assassinations, destruction of bridges and public buildings, armed confrontations and acts of pillage.

22. Women and children, particularly those belonging to the ethnic and religious minorities in the south, remained the most exposed to violations. In the major towns in the north of the country, thousands of street children were rounded up and isolated in special camps. The Ministry of Social Planning had informed him that the Government had established a committee to study the question of children working or living in the street. However, the Government had not subsequently communicated to him any information on that subject. In the Nuba Mountains and northern Bahr el-Ghazal, members of the armed forces, the Popular Defence Forces and various groups of volunteers fighting against the rebels had abducted women and children, some of whom had been subjected to slavery-like practices or trafficking. Cases of rape, the perpetrators of which belonged to all the parties to the conflict, were constantly reported in the south. In the major towns, women were often the victims of arbitrary dismissal, arbitrary arrest and degrading treatment and the federal and local authorities had taken several measures to restrict their freedom of movement. In October 1996, the authorities at Khartoum had adopted a regulation providing for the segregation of men and women in public

transportation and public places (para. 44 of the report). That segregation was not only incompatible with the Government's obligations under international law but also contrary to the traditions of Sudanese society.

23. In past years, he had constantly reported the atrocities committed against the civilian population by all the parties to the armed conflict. The massacres of civilians, particularly in the Blue Nile province, necessitated the dispatch of human rights monitors to the areas of armed conflict in the hope that their presence would to some extent dissuade the parties from increasing the sufferings of the civilian population.

24. He welcomed the fact that the Sudanese Minister of Justice had reaffirmed his Government's desire to cooperate with the competent United Nations organs, including the Commission, with a view to improving the situation. He called upon the Commission to continue to consider the situation of human rights in the Sudan as a matter of priority.

25. Mr. EL MUFTI (Observer for the Sudan) thanked the Special Rapporteur for the efforts that he was making within the framework of his mandate but thought that he had evidently not had enough time to duly verify and corroborate the information that had been communicated to him by sources which were obviously closely linked to opposition groups. The Commission should therefore carefully examine the Special Rapporteur's conclusions and recommendations if it intended to adopt a balanced resolution prescribing effective measures to improve the situation of human rights in the Sudan.

26. During his mission to the country in January 1997, which he had been obliged to interrupt due to foreign aggression against the south-eastern borders, the Special Rapporteur had been able to hold discussions with government representatives, during the course of a working meeting, for only one day. On the other hand, between 4 and 12 January, he had had discussions in Eritrea and Egypt with the leaders of groups participating in the armed conflict in eastern and southern Sudan who were invoking human rights in order to camouflage their political and military objectives. However, the Special Rapporteur seemed to accord greater credibility to their observations than to those emanating from official sources. On the basis of that unsubstantiated information, he had made generalizations concerning the situation in the country as a whole while disregarding the replies provided by the competent organs as well as their commitment to take measures to remedy violations of human rights.

27. His observations to the effect that document A/51/490, describing the evolution in the Sudanese Government's position in regard to violations of human rights, had received a fairly reasonable response from the competent government organs and that, in spite of certain aspects which the Special Rapporteur had described as positive in his previous reports, the basic trend in recent years towards a deterioration in the situation of human rights in the Sudan had not altered, were contradictory and gave rise to doubts concerning the pertinence of his conclusions and recommendations.

28. Moreover, in paragraph 27, the Special Rapporteur insinuated that there was collusion between the Government and the rebel commander responsible for the seizure of an ICRC aircraft and its passengers. The Government was

currently negotiating with the ICRC with a view to setting up an independent commission to shed light on that matter in order to avoid a repetition of such occurrences.

29. In paragraph 39, on the subject of alleged abductions in the refugee camps in northern Uganda, the Special Rapporteur affirmed that two Ugandan rebel groups, namely the Lord's Resistance Army and the West Nile Bank Front, maintained bases in Sudanese territory, thereby insinuating that the Sudanese Government was in collusion with those groups. On the other hand, he totally disregarded the repeated complaints of the Sudanese authorities to UNHCR concerning the abduction of children from those same camps by the SPLA (Sudanese People's Liberation Army) rebels who were launching attacks against the Sudan from Ugandan territory.

30. In paragraph 48, the Special Rapporteur tried to shift the blame for the tragic events that had occurred in the Blue Nile province on to some rebel factions which were currently negotiating peace accords with the Government, even though it was the SPLA which had launched a surprise attack on that region from neighbouring countries.

31. For all those reasons, the Sudanese delegation requested the Commission to examine with caution the Special Rapporteur's conclusions, which seemed to serve the political aims of the armed opposition. The Sudanese Government would nevertheless continue to extend to the Special Rapporteur all the assistance that he needed to discharge the mandate entrusted to him by the Commission.

32. Mr. LALLAH (Special Rapporteur on the situation of human rights in Myanmar), presenting his report (E/CN.4/1997/64), said that, on assuming his mandate, he had tried to identify the aspects of the situation of human rights in Myanmar which constituted a source of concern for the international community. Those matters of concern were summarized in paragraph 2 of the report which, together with the interim report submitted to the General Assembly (A/51/466), contained specific information on the situation in the areas on the border with Thailand which he had received directly from numerous witnesses who had fled Myanmar in the summer of 1996. All those testimonies corroborated information that he had previously received.

33. In spite of the numerous requests expressed in the resolutions of the General Assembly and the Commission, and although he had himself addressed three letters to the Government of Myanmar, he had not yet been granted authorization to visit the country to study the situation there. Although the Permanent Representative of Myanmar had indeed indicated, in his statement to the Third Committee of the General Assembly in November 1996, that a visit might be arranged at a mutually convenient time, there had been no follow-up on that promise. The uncooperative attitude of the Government of Myanmar was regrettable, since its refusal to allow the Special Rapporteur to visit the country obviously complicated his task considerably. He hoped that the Government would eventually agree to cooperate with the international community.

34. Nevertheless, the Special Rapporteur had been able to gather a large amount of information, which he considered reliable, from governmental, intergovernmental and non-governmental sources, including individuals who had

recently left Myanmar or who had relevant information about the situation in that country. Moreover, wishing to gather the most accurate and up-to-date information on the situation, he had visited Thailand in December 1996 to assess the situation of the refugees in the camps along the border between the two countries. He wished to thank the Government of Thailand for authorizing him to visit those locations.

35. He drew the Commission's attention to the fate of persons belonging to ethnic minorities living in the border areas. For the past 30 years, Karen, Mon, Karenni and Shan had had to flee their homes and lands to avoid being conscripted into compulsory labour for the army. Moreover, violent attacks against persons and property often resulted in enforced displacement of the population. In addition, military operations had recently taken place in the Karen State where artillery bombardments were reported to have caused not only damage to property but also loss of life. The refugees who had come from the border areas had given a horrifying account of the situation and, unfortunately, there was little hope of an improvement in the near future.

36. The legal and institutional framework in which legislative, executive and judicial powers were exercised was not in conformity with international norms concerning human rights under which government authority should be based on the will of the people which, in turn, should be expressed through genuine elections in which everyone could participate either directly or through freely chosen representatives. The Government was continuing to thwart the will of the people of Myanmar, which had been freely expressed in general elections in 1990. The National Convention which had been convened in 1993 to define the principles to be included in a new constitution had been accused of not being representative and of applying procedures that obstructed meaningful debate.

37. At the same time, suppression of the exercise of civil and political rights had attained new heights. A panoply of laws continued to be used to that end. There were persistent allegations of arbitrary executions of civilians and insurgents by members of the armed forces. Torture and other cruel or inhuman treatment were still being practised and due process of law continued to be flouted. The National Democratic League and its leadership were reported to be constantly subjected to acts of harassment and repressive measures. Moreover, following peaceful demonstrations organized by students, the authorities were reported to have closed the universities, thereby jeopardizing the education of an entire generation.

38. In conclusion, he noted with profound regret that there had been no change in the situation of human rights in Myanmar during the last year. It was not sufficient to dwell on systematic violations of human rights; action was also needed. Non-respect for the rights pertaining to democratic governance, in favour of which the people had clearly voted at the elections in 1990, lay at the root of the present situation. The solution should obviously be sought in the establishment of a democratic order, without which the institutions needed for the protection of human rights could not exist. That was a task which the authorities of Myanmar should endeavour to accomplish.

39. U. AYE (Observer for Myanmar) said that, due to the lack of time, he would unfortunately be unable to reply to all the allegations contained in the Special Rapporteur's report (E/CN.4/1997/64). In that connection, he drew the Commission's attention to two notes verbales (E/CN.4/1997/123 and E/CN/4/1997/124) which his delegation had had circulated in order to highlight the inaccuracies contained in that report and in the interim report submitted to the General Assembly (A/51/466) and to present the situation of human rights in Myanmar in its true perspective. At first glance, those reports seemed to be merely a collection of political statements presented in the guise of legal arguments intended to influence the outcome of events that should be determined by the inhabitants of Myanmar themselves.

40. Most of the allegations made in the report were hearsay. Consequently, the conclusions derived therefrom must be viewed with caution. The Special Rapporteur referred only to the negative aspects, turning a blind eye to all the positive aspects. That was a striking example of the lack of objectivity that many delegations had deplored. When Myanmar drew attention to that practice, it had been told that the inclusion of a larger number of positive aspects would render the reports too lengthy and unwieldy.

41. Myanmar was accused of not cooperating. However, even if, for reasons that had repeatedly been made known, it had not accepted the appointment of a special rapporteur, it had always cooperated with United Nations bodies and their representatives on issues involving human rights and other matters. High officials of his Government had recently held a fruitful series of discussions with the Secretary-General and his representatives, the most recent visit being that by the Director of the East Asia and Pacific Division. Details of those discussions could be found in the memoranda presented to the Commission. Moreover, whenever they had been so requested, the authorities of Myanmar had provided the information required by the Centre for Human Rights and the Commission's rapporteurs, including Mr. Lallah.

42. The Special Rapporteur had criticized the legal system in Myanmar. That attempt to cast doubt on the civil, criminal and military courts which were functioning normally throughout the country was surprising, to say the least. Since its inception, the State Law and Order Restoration Council had endeavoured to ensure that all the laws were applied in order to preserve the rule of law and maintain public order. The 900 laws inherited from the former colonial Power and successive Governments since independence had endowed Myanmar with an efficient and fair judicial system by virtue of which peace and stability prevailed throughout the country. The Supreme Court and the lower courts administered justice in a fully independent manner, protected the interests of the people, assisted in the maintenance of law and order, taught the people to understand and abide by the law, dispensed justice in public, unless otherwise provided by law, and guaranteed the right of defence and the right of appeal in all cases. The independence of the judiciary was strictly respected.

43. Another aspect mentioned in the report was the constitutional process that was currently underway. All those who had expressed doubts as to whether that process would lead to the establishment of multi-party democracy should know that the National Convention had been convened to take practical measures to build a genuinely democratic State in accordance with the aspirations of

the people of Myanmar. It was a truly representative body comprising members of the various legally recognized political parties, representatives of the national ethnic groups, peasants, workers, intellectuals and technocrats, etc., who had the right to freely exchange their views. The National Convention had already reached a consensus on over 100 fundamental principles which would form the basis of the new Constitution, in addition to agreements concerning the characteristics and basic structure of the State, the Presidency and the definition of the powers of the legislative, executive and judicial organs. Having already accomplished half of its task, it would be endeavouring to reach a consensus on the fundamental rights and responsibilities of citizens, the holding of regular elections and the role of political parties, etc.

44. Hence, it was not surprising that, when appeals for dialogue were made, the authorities in Myanmar replied that dialogue was already in progress within the framework of the National Convention. What would be the use of dialogue between the Government and a single political party at the expense of all the other legally recognized political parties and the more than 100 national ethnic groups which constituted the Union of Myanmar?

45. The above-mentioned reports would inevitably have counter-productive effects. In fact, they reflected only the point of view of those who were opposing the Government for reasons unconnected with human rights. For Myanmar, the question of human rights could not be reduced to legal arguments presented with a view to political manipulation. Other vital questions, such as the right to self-reliant development and a life of dignity free from need, which the Special Rapporteur had totally disregarded, should be taken into account.

46. Mr. NDIAYE (Special Rapporteur on extrajudicial, summary or arbitrary executions), presenting his fifth report (E/CN.4/1997/60 and Add.1), said that victims of extrajudicial, summary or arbitrary executions had again been too numerous during the past year and indifference to their fate had increased as could be seen, for example, by the situation in Zaire where it had been impossible to organize international intervention. At a time when borders were breaking down and States were collapsing or endeavouring to strengthen themselves by sacrificing the poorest and the weakest or even defenders of human rights, the right to life should legitimately be accorded full protection by the international community as a whole, regardless of any considerations of a political, economic, ethnic, racial or religious nature. Unfortunately, the situation was not developing that way.

47. In 1996, 131 urgent appeals had been made on behalf of more than 1,100 persons from more than 40 countries, not counting the appeals made on behalf of family groups, indigenous communities, groups of refugees or displaced persons and civilians trapped by wars. Of those appeals, 13 had been made jointly with other organs of the Commission. In addition, since 1 November 1996, 56 urgent appeals had been made to 29 countries. Allegations concerning 1,300 individual cases of summary execution had been transmitted to more than 50 countries. Not all the countries had replied and those which had done so had often given only vague or unsatisfactory replies. That lack of cooperation, which the Special Rapporteur had deplored over the years, did not seem to have been adequately taken into account by the Commission. Moreover,

most of the countries that the Special Rapporteur had visited since 1992 had not acted on his recommendations; in the case of Bougainville, the situation had even reached an unprecedented degree of gravity since the island's Prime Minister had been assassinated in circumstances that the Government of Papua New Guinea had not yet explained.

48. The fact that the Special Rapporteur had been unable to make any visits in 1996 was mainly due to the procrastination of the Nigerian Government, which had monopolized all his time with plans for a visit that had been postponed four times and which had finally refused the conditions that would have guaranteed a minimum of independence and impartiality for his mission. On the other hand, the United States, Sri Lankan and Algerian Governments had invited him to visit their countries. That was not yet the case with the Turkish and Chinese Governments, in spite of the discussions that had taken place throughout the past year, nor of the Indian, Tajik and Bangladesh Governments, which had remained silent in that regard, while the Mexican Government had recently refused a proposed joint visit with the Special Rapporteur on torture.

49. Nevertheless, dialogue had been constantly maintained with all the Governments and with the other United Nations organs. The Special Rapporteur had presented his first report to the General Assembly in 1996, although the latter had not taken the decisive steps that he had proposed to it with a view to ensuring better protection for the right to life and, in particular, preventing violations of that right in a more effective manner and taking greater account of the rights of the victims. In that regard, the increasing discrepancy between declarations and behaviour and between the noble objectives assigned to the Special Rapporteur and the increasingly modest resources placed at his disposal was deplorable.

50. It was regrettable that the special rapporteurs had not been involved in the reform of the Centre for Human Rights, which would entail a diminution of the resources at their disposal. In that connection, he hoped that the consultations with the High Commissioner for Human Rights and cooperation with his offices in the field would prove more positive, particularly in regard to the prevention of violations of human rights and follow-up on the recommendations of the special rapporteurs. In fact, instead of serving as a substitute for the special procedures, the High Commissioner should strengthen them within the context of mutually beneficial cooperation.

51. The Special Rapporteur's conclusions and recommendations once again referred to the prevention of violations of human rights, the death penalty and impunity. With regard to the prevention of violations, he continued to deplore the lack of an effective mechanism and adequate and sure means of intervention in cases of humanitarian crises. To that end, he had proposed that the Convention on the Prevention and Punishment of the Crime of Genocide be endowed with a monitoring mechanism; however, his proposal had gone unheeded.

52. The abolition of the death penalty would constitute an appreciable success in the struggle for enjoyment of the right to life. In fact, there was no perfect judicial system that could guarantee that no innocent person were ever executed and death sentences were rarely passed after trials in

which all the guarantees of equity were respected. The Security Council, the General Assembly and the Commission had frequently expressed themselves fairly clearly in favour of abolition of the death penalty, although the latter had not yet been outlawed. In that context, the resolution that the Commission had just adopted on Italy's proposal (E/CN.4/1997/L.20) held out the hope that the world would not be walking backwards into the twenty-first century. However, the very idea of respecting the right to life of every human being was far from being accepted and, even if some Governments had recently abolished the death penalty or seemed determined to do so, others, like those of the Libyan Arab Jamahiriya and Kuwait, had decided to disregard even the present restrictions by broadening or preparing to broaden the scope of application of the death penalty. Death sentences were apparently being carried out in conditions that were not in conformity with the existing guarantees in China, the United States, Kazakhstan and the Islamic Republic of Iran, inter alia, and countries such as Guatemala, the Comores and Bahrain had enforced death sentences for the first time in years.

53. Finally, impunity was a major source of violations of the right to life. In that regard, the Special Rapporteur had recommended that the large-scale and universally observed phenomenon of lynch law be taken into consideration; that a permanent international judicial system be set up; that an international tribunal be established to prosecute the perpetrators of summary executions wherever they may be; and that effective international solidarity be shown with the victims of summary executions. Since deaths in detention were a major source of cases of impunity, he had advocated the appointment of a special rapporteur on conditions of detention. Furthermore, the question of the impunity of non-governmental offenders should be raised, since it was high time that terrorists and other war lords should also be called to account.

54. Mr. COPITHORNE (Special Representative on the situation of human rights in the Islamic Republic of Iran), presenting his report (E/CN.4/1997/63), acknowledged that, although much remained to be done in regard to the situation of human rights as recognized by the international community, the developments that had been observed in some fields could be viewed as revealing. At all events, they should be mentioned in any decision of the Commission.

55. He had included an executive summary in his report, believing that the presentation of his findings in such a format would help the Commission to draw up its draft resolution on that subject. That executive summary indicated the fields in which progress was being made and those in which evident shortcomings could be observed in regard to respect for the generally recognized human rights norms. In that connection the recent development in the case of Salman Rushdie should be noted, since it seemed that a private foundation had increased the bounty promised for his assassination.

56. The Special Representative regretted the decision taken by the Government of the Islamic Republic of Iran not to invite him in 1996, although he might be permitted to visit that country in 1997. However, cooperation had continued in other fields.

57. He also once again recommended that the Centre for Human Rights should give sympathetic consideration to the Government's request for technical assistance.

58. Like other special rapporteurs, the Special Representative emphasized that it was not possible to present a comprehensive report on the human rights situation in a particular country in a document comprising only about 30 pages. It might be possible to concentrate on specific sectors alternately in order to give, over a three-year period for example, an overall insight into the human rights situation in the country concerned.

59. Finally, he wished to express his deep concern for the integrity of the special rapporteur mechanism, which might be endangered by the proceedings recently instituted against one of his colleagues. He hoped that the Commission would take that question into consideration.

60. Mr. NSEIR (Observer for the Syrian Arab Republic) pointed out that southern Lebanon and the western Bekaa had been under Israeli occupation since 1978 in spite of the many Security Council resolutions demanding Israel's immediate and unconditional withdrawal from Lebanese territory. The occupation constituted a violation of human rights, as did the daily Israeli practices consisting in random bombardments of towns and villages, the destruction of houses and crops and forcible displacement of the population. This was illustrated by the massacre at the village of Kana, which cost the lives of about 100 women and children who believed that they had found refuge in one of the main bases of the United Nations forces, which was knowingly bombarded by Israel.

61. Moreover, Israel was continuing to engage in acts of violence and repression against civilians, hundreds of whom were being detained in Khiyam prison where torture and ill-treatment were commonplace. Likewise, in violation of the Fourth Geneva Convention, the detainees in Israeli prisons were being refused visits by their families and representatives of humanitarian organizations.

62. Everyone was aware of the present Israel Government's responsibility for sabotaging the peace process. That Government was acting in a hypocritical manner, speaking of peace while refusing to respect international conventions and honour the commitments made within the framework of the Madrid Conference. Accordingly, he called upon the Commission to condemn the human rights violations that Israel was committing in southern Lebanon and the western Bekaa.

63. Mrs. PERES (Pax Christi International), who was also speaking on behalf of the Movement Against Racism and For Friendship Among Peoples, read out a statement by Mr. José Ramos-Horta, 1996 Nobel Peace Co-Laureate, in which he emphasized that the human rights situation in East Timor was closely linked to the denial of the right of the Timorese people to self-determination. The General Assembly and the Security Council had adopted a total of 10 resolutions reaffirming that right. The argument to the effect that self-determination led to the break-up of nation-States was unfounded, as attested by the peaceful societies which had granted real political and administrative autonomy to their various component ethnic groups. In

Indonesia, as in other countries in Africa, Latin America and Asia, the right of peoples to self-determination could be fully exercised within the framework of the colonial borders, however unjust they might be.

64. However, more than two decades after the invasion, the conflict in East Timor had still not been settled. The massacre of 271 Timorese civilians at Dili in 1991 was not an isolated incident. It formed part of a well-documented pattern of gross and systematic violations of human rights by the Indonesian army which were continuing even today. For example, on 23 March, during a visit by the Personal Representative of the Secretary-General for East Timor, the Indonesian army had opened fire on peaceful students, killing four of them and seriously injuring at least 20 others, practically under the very eyes of the Personal Representative in his hotel. The brutality of that incident gave an idea of what the daily life of the Timorese was like under military occupation in one of the most isolated regions of the world. The Indonesian Government had repeatedly accused FRETILIN of the crimes committed between August and December 1975 during a brief but violent civil war. The leaders of that movement had, in fact, accepted responsibility for the acts of violence and the deaths of innocent persons during that period. However, they had repeatedly called for an international investigation to clear up that matter. By accepting that challenge, the Indonesian Government would be showing its good faith. For their part, the Timorese resistance leaders had undertaken to ensure respect for international human rights standards once the country had been freed.

65. The unprecedented events that were currently taking place showed that the movement for democracy, human rights and the rule of law was irreversible. The peaceful overthrow of the dictatorship in South Korea was an example for the whole of Asia insofar as, for the first time, former leaders had been prosecuted for ordering torture and murder with full impunity under the sacrosanct cover of national security. In Myanmar, the situation called for more effective measures than the resolutions that were traditionally adopted every year by the General Assembly and the Commission. In that regard, the Credentials Committee should take the necessary action to deny the military junta a seat in the General Assembly, as it had done in the case of South Africa during the apartheid regime. The peoples of the Chittagong Hilltracts (Bangladesh), Bougainville, Thailand, Tibet, the Philippines, Assam and Nagaland (India) and the democracy movements in China and Indonesia were manifestly belying the argument formerly put forward by the Stalinist regimes and paradoxically adopted by some Asian regimes to the effect that human rights were an invention of the West or of Western NGOs. The developments that were taking place in some countries in Africa, Latin America and Asia confirmed that human rights, fundamental freedoms, the rule of law and democracy were universal values that went hand-in-hand with economic development. South Africa, being a model of tolerance, reconciliation and democracy, was a perfect example.

66. Mrs. SCHERRER (Amnesty International) said that, although the Commission had gained several victories during the last half century, it had too often failed to take decisive measures against Governments which were systematically violating human rights. It should give urgent consideration to a number of situations.

67. In Algeria, more than 60,000 persons, mainly defenceless civilians, had been killed by the security forces, Government-backed militias or opposition groups since 1992. Extrajudicial executions, torture and disappearances attributable to the security forces were continuing. For their part, the armed opposition groups had mutilated, decapitated or shot hundreds of persons. Amnesty International called upon the Commission to break down the wall of silence by ensuring that the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Working Group on Enforced or Involuntary Disappearances visited Algeria in 1997 in order to report thereon to the Commission in 1998.

68. In Colombia, the human rights situation had deteriorated further during the past year. Extrajudicial executions, disappearances and acts of torture attributable to the security forces and their paramilitary allies had increased. The Commission should show the Colombian people that, through the High Commissioner's Office at Bogotá, it intended to assume a supervisory function that would lead to tangible measures. That Office would need to be provided with sufficient resources to enable it to function properly.

69. Violations of human rights were also continuing in Indonesia and East Timor in spite of the recommendations of the Commission and its experts. The visit by the High Commissioner for Human Rights had not motivated the Indonesian Government to be more cooperative. In the face of such intransigence, the Commission should adopt a resolution calling for the immediate implementation of its recommendations.

70. In Nigeria, the Commission's consensual approach had failed since, through dilatory manoeuvres, the Government had avoided application of the resolution adopted in 1996. Moreover, in recent weeks, it had launched a new campaign of arrests among advocates of democracy. Nineteen Ogoni prisoners were awaiting trial on charges identical to those that had led to the execution of Saro Wiwa and eight other persons following flagrantly unfair political trials. It was high time for the Commission to take decisive measures and appoint a special rapporteur on Nigeria.

71. In Turkey, 1996 had been a particularly dismal year that had furnished further proof of the State's involvement in acts of torture, extrajudicial executions and disappearances, while the PKK and other armed groups had not hesitated to murder civilians. In spite of irrefutable proof of the fact that the Turkish Government was systematically violating human rights, by virtue of its powerful allies it was successfully evading surveillance by the international community. The Commission should urge that Government to invite the Special Rapporteur on extrajudicial, summary or arbitrary executions and the Working Group on Enforced or Involuntary Disappearances to visit the country in 1997 and report back to the Commission in 1998.

72. Mr. GENIUSAS (International Federation of Free Journalists) said that IFFJ was gravely concerned at the ongoing violations of the right to freedom of opinion and expression, as well as the inalienable right to seek, receive and impart information in many parts of the world. In Belarus, for example, the press was brutally muzzled by the authoritarian regime to the extent that, according to the editor-in-chief of the only independent newspaper, which was currently printed in the Lithuanian capital, the journalist's profession was

today the most dangerous occupation there. About 145 persons, including foreign journalists, had been arrested while attempting to deliver a declaration to the foreign embassies. The journalists had adopted a resolution urging the Government to respect the fundamental principles of democracy, namely freedom of opinion, expression and information. In Serb-dominated Kosovo, where Albanians constituted 90 per cent of the population, journalists were constantly being harassed, persecuted, intimidated and even arrested.

73. In spite of the ideals enshrined in the Universal Declaration of Human Rights and the International Covenant on Civil and Political Rights, China was still occupying Tibet, India was continuing to turn a deaf ear to the aspirations of the population of Kashmir, Indonesia was still denying the right to self-determination of the people of East Timor, Turkey was still occupying northern Cyprus and the Russian Federation was continuing to disregard the basic rights of the Finno-Ugric peoples and other minorities and indigenous peoples. For example, as a result of forceful Russification, the Karelians, Komis, Mordvins and Udmurts today constituted only 10 per cent, 27 per cent, 32 per cent and 31 per cent of the population of their respective ancestral lands.

74. IFFJ wished to draw attention to the disinformation campaign that the Russian Federation was conducting against the Baltic States with a view to winning credence for its claim that the ethnic Russian population of Estonia and Latvia was being discriminated against. That argument had been refuted by all the international organizations that had visited the area. In fact, the citizenship laws in Estonia and Latvia were comparable to, and in some respects more favourable than, those in force in the United States. The comparison between the cultural and educational opportunities offered to the 307,000 Russians living in Lithuania and those available to the 180,000 Lithuanians who remained in the Russian Federation was revealing: for example, in Lithuania there were 163 State-funded schools for Russians, as compared with only one Lithuanian school in Russia. Likewise, Lithuania published 43 newspapers in Russian and broadcast daily television and radio programmes in that language, while Russia did not have a single information medium in Lithuanian.

75. Mr. KALATTAS (International Federation for the Protection of the Rights of Ethnic, Religious, Linguistic and Other Minorities) said that the Turkish invasion on 20 July 1974 had cost the Republic of Cyprus 37 per cent of its territory, had left thousands dead or injured and had forced 200,000 Greek Cypriots, i.e. one third of the island's population, to become refugees in their own country. For their part, the Turkish Cypriots living in the south had been encouraged to move to the occupied area with a view to creating two ethnically separated areas. Turkey was flagrantly violating the human rights and fundamental freedoms of the Greek Cypriots, including the right to freedom of movement and the right to own property, by refusing to comply with the resolutions of the General Assembly, the Security Council, the Commission on Human Rights and other international organizations such as the Council of Europe, which demanded the prompt return of the refugees to their homes and the restoration of all human rights in Cyprus. Moreover, in a report adopted

on 10 July 1996, the European Commission on Human Rights had found Turkey responsible for the eviction of Greek Cypriots from their homes and for the looting and deprivation of possessions that had resulted therefrom.

76. The problem of missing persons was another tragic consequence of the invasion. Twenty-three years later, the whereabouts of 1,619 persons who had last been seen in the hands of the invaders was still unknown. Their families had the right to know whether their relatives were still alive or in what circumstances they had died.

77. Furthermore, of the 20,000 persons, mostly Greek Cypriots and some Maronites, who had been cut off behind the military lines after the invasion, only 665 still remained there, refusing to yield to acts of harassment, discrimination, intimidation and coercion by the Turkish army. They were denied access to educational, medical and religious facilities and their freedom of movement was restricted. Their appalling living conditions were described in detail in the Secretary-General's report (E/CN.4/1997/48).

78. Since the invasion, Turkey had been pursuing a policy of settling colonists from Anatolia, the total number of whom was estimated at 85,000, in the occupied area with a view to changing the island's demographic composition. At the same time, one third of the Turkish Cypriots had been forced to emigrate as a result of unemployment, the deteriorating socio-economic situation and pressure exerted by the Turkish colonists, who enjoyed undue privileges. Consequently, the Turkish Cypriots had become a minority in the occupied area, being the victims of the policy of colonization which, according to the 1977 Protocol to the Geneva Conventions, constituted a war crime. The colonists, who had been granted "citizenship" and "voting rights", controlled political life in the occupied area. In 1991, a representative of the Council of Europe who had been assigned to look into that question had stated that the presence of the Turkish colonists constituted an additional obstacle to a peaceful settlement of the problem of Cyprus.

79. The international community should take concerted action with the same determination that it had shown elsewhere in order to restore human rights in Cyprus and put an end to the violations that Turkey was committing with full impunity in total disregard of all international human rights instruments.

80. Mrs. TEXIER (France-Libertés - Fondation Danielle Mitterrand) expressed grave concern at the human rights situation in Colombia and Peru.

81. In Colombia, enforced disappearances, torture and extrajudicial or summary executions had not diminished. In fact, in 1996, some 3,000 persons had been murdered for political or ideological reasons and a further 180,000, mostly trade unionists, peasants, political opponents and members of indigenous peoples, had been displaced. An increasing number of defenders of human rights had been threatened, assaulted, prosecuted, executed or reported missing. Even more seriously, paramilitary organizations backed by the Parliament and the Government were proliferating and were about to be legalized. The abuse of states of emergency, the promotion of an authoritarian movement against constitutional reform and the unwarranted extension of the jurisdiction of the military courts were encouraging

impunity, the penalization of social protests and violence against young persons and marginals and were contrary to all the recommendations of the Commission's special rapporteurs in spite of the undertakings made by the Government.

82. It was noteworthy that the High Commissioner's office had not yet been established even though, according to the recommendation made by the Chairman of the Commission at its fifty-second session, it was to be set up as soon as possible. Notwithstanding the hostility of some Colombian sectors, the international community should not remain indifferent for another year. Hence, there was a need to strengthen the High Commissioner's office by appointing an expert who would be able to assist him, if necessary, in his task of monitoring the situation and preparing a detailed analytical report for consideration at the next session.

83. With regard to Peru, France-Libertés condemned the taking of hostages by the Tupac Amarú movement in December 1996. However, it should not be forgotten that the grievances of the hostage takers were based on the inhuman situation of the detainees which the Foundation had denounced before the Commission, since Peru was not respecting any of the minimum standards that the United Nations had set in that field. In that regard, she once again drew the Commission's attention to the fate of the persons who had been unjustly accused and detained, without proof, for terrorism. Decree-Law No. 25475, which gave a very broad definition of terrorism, had been strongly denounced by the Human Rights Committee. Moreover, the detainees were subjected to inhuman living conditions. Finally, torture and ill-treatment were being routinely inflicted on the detainees with almost total impunity. Those practices, which were directed not only against persons accused of terrorism but also against common criminals, were particularly widespread in the areas in which a state of emergency had been declared. In view of the urgency of the situation, the Commission should demand that the Peruvian Government honour its obligations.

84. Mrs. OSEREDCZUK (Interparliamentary Union) said that the main aim of the organization which she represented was to defend the rights of parliamentarians, who were the guarantors of respect for human rights and fundamental freedoms in their respective countries. To that end, it had established a Human Rights Committee which examined, initially on a confidential basis, complaints concerning violations of the basic rights of parliamentarians and could decide to make them public by bringing them to the attention of the Interparliamentary Council. Document E/CN.4/1997/NGO/87 contained a summary of the 20 public cases concerning 109 parliamentarians in 13 countries which the Committee was currently examining.

85. In that regard, she drew attention to three cases which were particularly disturbing. The first concerned Burundi. The Interparliamentary Council had condemned the suspension of that country's National Assembly by the leaders of the June 1996 coup d'état. Although it had been reinstated in September of the same year, the Assembly would not really be able to play its role until the Burundian authorities had taken the necessary measures to enable the parliamentarians who had been forced into exile to return to their country without fear for their lives or their personal safety.

86. In Indonesia, following an irregular trial, Sri Bintang Pamungkas had been sentenced on 8 May 1996 to a penalty of imprisonment for 2 years and 10 months for allegedly having insulted the Indonesian President. Consequently, the party to which he belonged had expelled him from his parliamentary seat after President Suharto signed the official decree removing him from office. On the basis of the information available to it, the Committee considered that Sri Bintang's remarks fell within the scope of his right to freedom of expression. It also regretted that Indonesian law authorized political parties to deprive representatives of the people of the mandate that the people had chosen to entrust to them. Unfortunately, the situation had deteriorated further as Sri Bintang had once again been arrested on 5 March 1997 on a charge of subversion.

87. Finally, the Interparliamentary Union was concerned at the case of Mr. Rainsy, a Cambodian parliamentarian who had been excluded from his party in May 1995 and, consequently, had lost his seat in the National Assembly, even though the law made no provision for the dismissal of a parliamentarian for that reason. The Union believed that Mr. Rainsy had been deprived of his parliamentary mandate for having exercised his right to freedom of expression. On 30 March, when the prospect of a satisfactory solution was beginning to emerge, Mr. Rainsy had been the target of a grenade attack in which 10 persons died and many others were seriously injured during an authorized demonstration that he had organized. The Committee intended to express its concern on that subject during the session of the Interparliamentary Conference which was to be held at Seoul in a few days' time.

The meeting rose at 1.05 p.m.